

REMARKS/ARGUMENTS

Claims 2, 4, 9, 10, 13-16, and 18-22 are active. The amendments to Claim 2 find support in the specification on page 8, last paragraph, the paragraphs bridging pages 10-11 and 11-12 and in the second paragraph on page 17. Accordingly, the Applicants do not believe that any new matter has been added. Favorable consideration of this amendment and allowance of this application is respectfully requested.

Rejection—35 U.S.C. §103

Claims 2, 4, 6 and 7-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art set forth on page 4, lines 2-13 of the specification, in view of Linne, U.S. Patent No. 4,269,802. The Applicants traverse this rejection because there is no suggestion nor reasonable expectation of success in the cited prior art for the present invention.

Specifically, as now required by Claim 2, the cited art does not disclose or suggest:

the elastic material comprising a thermoplastic elastomer which is a hydrogenated block copolymer selected from the group consisting of styrene-ethylene/butylene-styrene block copolymer and styrene-ethylene/propylene-styrene block copolymer, a softening agent in an amount of 50 to 300 parts by weight based on 100 parts by weight of the thermoplastic elastomer and a polyolefin resin in an amount of 0 to 100 parts by weight based on 100 parts by weight of the thermoplastic elastomer.

While the Official Action alleges that the selection of a specific material for use in the process is a mere obvious matter of choice, there is no prior art cited to support this assertion. Moreover, the prior art that is cited, Linne, contradicts this allegation because it indicates that the selection of materials for attaining unitary molded articles is not a mere obvious matter of choice, but involves inventive activity, see Linne, col. 3, lines 38-44:

It has been **unexpectedly** found that when the support section of cap 12 is of rigid polycarbonate plastic and the flexible lip 14 is a polyurethane elastomer, one can obtain a direct bonding together of these structures

without the use of an adhesive therebetween whereby a unitary seal is formed which is strong enough to withstand the stresses to which such a seal is exposed. **The production of a direct bond of such strength is quite unexpected because of the different structures of the polymers which are bonded together** (emphasis added).

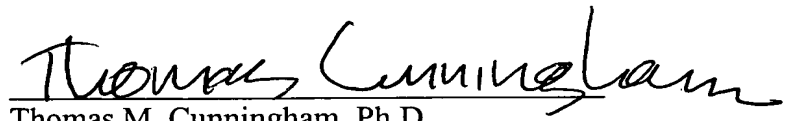
As indicated by the passage above, Linne teaches that the selection of materials for unitary molding is not a mere obvious matter of choice. Accordingly, since Claim 2 has been directed to integrally compositing of particular polymer structures, which are not disclosed or suggested by the prior art, and for which integrally compositing the prior art provides no reasonable expectation of success, the Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. An early indication of the allowability of this application is earnestly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Thomas M. Cunningham, Ph.D.
Attorney of Record
Reg. No. 45, 394

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)